

## REMARKS

### 1. Status and Summary

The Examiner has rejected claims 1, 3-4, 10, 11 and 13 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication Number 2003/0125970 to *Mittal et al.* in view of U.S. Patent Application Number 2002/0128894 to *Farenden*. The Examiner has rejected claims 2, 5, 12, 14, and 24-26 under 35 U.S.C. §102(e) as being unpatentable over *Mittal* in view of *Farenden* in further view of U.S. Patent Application Number 2003/0050811 *Freeman et al.* The Examiner has rejected claims 6 and 15 under 35 U.S.C. §102(e) as being anticipated by *Mittal et al.* in view of *Farenden* in further view of U.S. Patent Number 6,226,624 *Watson et al.* The Examiner has rejected claims 7-8, 16-19, and 21-23 under 35 U.S.C. §103(a) as being unpatentable over *Mittal* in view of *Farenden* and further in view of U.S. Patent Application Publication Number 2002/0156674 to *Okamoto et al.* The Examiner has rejected claims 9 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Mittal* in view of *Farenden* and further in view of U.S. Patent Number 5,978,768 to *McGovern et al.*

The applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the above amendments, are believed to render the claims at issue patentable. Claims 1-26 remain pending in this application. Claims 1, 10, 12, and 18-22 have been amended herein. The amendments do not introduce new matter into the application.

### 2. Rejections

*Claims 1, 3-4, 10, 11 and 13 rejected using Mittal in view of Farenden*

The Examiner improperly rejected these claims based on 35 U.S.C. §102(e). 35 U.S.C. §102(e) states that "A person shall be entitled to a patent unless: (e) the invention was described in an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent." The Examiner's substantive rejection, however,

uses two references and not a single reference as required by 35 U.S.C. §102(e). 35 U.S.C. §103(a) states that an invention is not patentable if “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” Since the Examiner used the obviousness language in his rejection, for the purposes of these remarks, the rejections will be treated as 35 U.S.C. §103(a) rejections.

Claims 1 and 10 stand rejected by the Examiner as allegedly being anticipated by Mittal and Farenden. The Examiner states that Farenden, at Paragraph 0119, discloses a method of receiving an applicant request for a specified job and that together with Mittal, claims 1 and 10 are taught. Applicants respectfully disagree. Farenden discloses creating a profile and employment skills questionnaire, or searching posted job opportunities, requesting consideration and creating a candidate profile. Nothing in Paragraph 0119 or elsewhere in Farenden discloses receiving an applicant request for a specified job, but is allowing a candidate to only find jobs that match with their entire candidate profile. Farenden’s method of making a candidate fill out a profile to request consideration for searched employment opportunities does not permit the candidate to pick a specific job. Therefore, Farenden does not disclose “receiving an applicant request for a specified job” as required by claims 1 and 10.

Additionally, the Examiner again states that Mittal, at Paragraph 0058, discloses a method of providing a report profile whereby a resulting report relates to one or more elements of the applicant data for a plurality of applicants to one or more of the employer positions. Applicants again respectfully disagree. Mittal discloses a method of mapping a job seeker’s information on a jobs database to generate a “list of matching jobs” for that individual job seeker (¶0058). Mittal does not discuss generating a report profile of “one or more elements of the applicant data for a plurality of applicants” for an employer position. To further clarify the report profile, claims 1 and 10 have been amended. By stating that the report profile is of applicant information, the claim is further distinguished from Mittal.

For at least these reasons, the teachings of Mittal are not relevant to claims 1 or 10, and applicants respectfully request reconsideration of these rejections.

As claims 3 and 4 depend from and incorporate all of the limitations of allowable independent claim 1, claims 3 and 4 are likewise allowable over the prior art.

As claims 11 and 13 depend from and incorporate all of the limitations of allowable claim 10, claims 11 and 13 are likewise allowable over the prior art.

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*Claims 2, 5, 12, 14 and 24-26 rejected using Mittal in view Farenden in further view of Freeman*

The Examiner improperly rejected these claims based on 35 U.S.C. §102(e). As above, since the Examiner used the obviousness language in his rejection, for the purposes of these remarks, the rejections will be treated as 35 U.S.C. §103(a) rejections.

As claims 2 and 5 depend from and incorporate all of the limitations of allowable independent claim 1, claims 2 and 5 are likewise allowable over the prior art.

As claims 12 and 14 depend from and incorporate all of the limitations of allowable claim 10, claims 12 and 14 are likewise allowable over the prior art.

The Examiner states that claim 24 is taught by Mittal, Farenden, and Freeman. Claim 24 teaches "receiving, from a plurality of applicants, an applicant request, wherein each applicant request includes a specified job and mandatory profile information." However, as described above, Mittal, at Paragraph 0048, and Farenden, at Paragraph 0119, do not teach the applicant request including a specified job. Freeman, at Paragraphs 0059-0060, teaches having a primary and secondary input and waiting for a secondary input. Freeman also teaches that the input may be the applicant's personal information, experience in the profession, type of job the applicant is seeking, professional certifications, or references. Therefore, Freeman also does not teach the applicant request including a specific job. The input information asks the type of position, but does not permit the applicant to request a specific job.

The Examiner states that Freeman, in Paragraphs 0079-80, teaches "receiving an employer request for a report that includes selected portions of the mandatory profile information for the plurality of applicants." However, Freeman merely teaches allowing the system administrator to sort candidates based on a specific attribute such as employment location, desired profession or specialty. Freeman does not teach receiving an employer request nor

producing a report as a result of the sorting. Furthermore, Freeman does not teach that the report contains selected portions of the mandatory profile information.

For at least these reasons, the teachings of Mittal, Farenden and Freeman are not relevant to claim 24 and applicants respectfully request reconsideration of these rejections.

As claims 25 and 26 depend from and incorporate all of the limitations of allowable claim 24, claims 25 and 26 are likewise allowable over the prior art.

*Claims 6 and 15 rejected using Mittal in view Farenden in further view of Watson*

The Examiner has improperly rejected these claims based on 35 U.S.C. §102(e). However, since the Examiner used the obviousness language in his rejection, for the purposes of these remarks, the rejections will be treated as 35 U.S.C. §103(a) rejections.

As claim 6 depends from and incorporates all of the limitations of allowable independent claim 1, claim 6 is likewise allowable over the prior art.

As claim 15 depends from and incorporates all of the limitations of allowable independent claim 10, claim 15 is likewise allowable over the prior art.

*Claims 7-8, 16-19, and 21-23 rejected using Mittal in view of Farenden and further in view of Okamoto*

As claims 7 and 8 depend from and incorporate all of the limitations of allowable independent claim 1, claims 7 and 8 are likewise allowable over the prior art.

As claims 16-19 and 23 depend from and incorporate all of the limitations of allowable claim 10, claims 16-19 and 23 are likewise allowable over the prior art.

The Examiner states that claims 21 and 22 are taught by Mittal, Farenden and Okamoto. The Examiner states that “means for receiving an applicant request for a specified job” is taught by Mittal in Paragraph 0048. However, this is inconsistent with claims 1 and 10 where the Examiner correctly stated that “Mittal does not explicitly disclose the limitation receiving an applicant request for a specified job.” Therefore, Mittal also does not teach “means for receiving an applicant request for a specified job.” In addition, as discussed previously, Farenden also does not teach receiving an applicant request for a specified job.

The Examiner also states that Mittal teaches “means for providing a report that relates one or more elements of the applicant data for a plurality of applicants to one or more of the employer positions.” As previously discussed in claims 1 and 10, Mittal does not teach this limitation and neither Farenden nor Okamoto cures this deficiency. However, the amendment should further clarify the report.

For at least these reasons, the teachings of Mittal, Farenden and Okamoto are not relevant to claims 21 or 22, and applicants respectfully request reconsideration of these rejections.

As claims 25 and 26 depend from and incorporate all of the limitations of allowable claim 24, claims 25 and 26 are likewise allowable over the prior art.

*Claims 9 and 20 rejected using Mittal view of Farenden and further in view of McGovern*

As claim 9 depends from and incorporates all of the limitations of allowable independent claim 1, claim 9 is likewise allowable over the prior art.

As claim 20 depends from and incorporates all of the limitations of allowable independent claim 10, claim 20 is likewise allowable over the prior art.


### CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that all pending claims as currently presented are in condition for allowance and hereby respectfully request reconsideration. Applicants submit that no new matter has been added and that the originally filed specification, drawings, and claims support the amendments. Applicants respectfully request the Examiner to pass the case to issue at the earliest convenience.

Applicants have thoroughly reviewed the art cited but not relied upon by the Examiner. Applicants have concluded that these references do not affect the patentability of the claims as currently presented.

The Commissioner is hereby authorized to charge any additional fees which may be required for this submission, or credit any overpayment, to Deposit Account No. 50-0436.

Respectfully Submitted,  
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